

**To:** McKaughan, Colleen[McKaughan.Colleen@epa.gov]; Steckel, Andrew[Steckel.Andrew@epa.gov]  
**From:** LEVIN, NANCY  
**Sent:** Tue 6/13/2017 7:46:35 PM  
**Subject:** RE: Information for Monthly Meeting with ADEQ

For AgBMP – Looks good except the sentence “*The federally approved AG BMP program is focused on crop activities*” seems out of place in the middle of the paragraph on May 11 letter. Maybe put in a parenthetical not that earlier this year approved rules relating to crop activities and irrigation districts into the SIP.

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Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

**From:** McKaughan, Colleen  
**Sent:** Tuesday, June 13, 2017 12:30 PM  
**To:** Chen, Eugene <Chen.Eugene@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Steckel, Andrew <Steckel.Andrew@epa.gov>; LEVIN, NANCY <Levin.Nancy@epa.gov>  
**Subject:** Information for Monthly Meeting with ADEQ  
**Importance:** High

Elizabeth and Matt asked for an update on three topics for ADEQ next Monday. Here is what I prepared. Can you review and edit? Thanks!

Colleen

Hi, Elizabeth and Matt,

You mentioned three topics for the discussion with ADEQ next Monday – Hickman Egg, the Ag

BMP comment letter, and the Title VI complaint. We are planning to meet with you before you leave on vacation on the Ag BMP comment letter. Here are the updates on the three topics:

- **Hickman Egg** - On May 26<sup>th</sup>, Maricopa County sent a formal response to the Maricopa County Air Pollution Hearing Board regarding the emissions at Hickman and whether they are fugitive or not. The County did an extensive analysis and determined that the source is minor. They determined that most of the emissions are fugitive because they don't go through a stack, chimney or vent. We had communicated to Maricopa County that we do not agree with their position and suggested that, at a minimum, they try to require the same controls as the Hickman facility in SJV. The County is considering that option.

The Region has received a FOIA request for “any and all information in regards to Hickman’s Egg Ranch and Family Farms”, and most Divisions are gathering records. Enforcement Division is the lead for this FOIA. Superfund sent an information request letter to Hickman on May 30<sup>th</sup> asking for information on ammonia releases. ATSDR has been asked by Don’t Waste Arizona (Steve Brittle) and Save Tonopah Oppose Poultry Plan (STOPP) to conduct a public health assessment of ammonia emissions from the Tonopah and Arlington facilities. The Arlington School Board also sent a letter to ATSDR supporting the petition. ATSDR has been collecting information from ADEQ and others, but has not decided to pursue this investigation yet.

## Ex. 5 - Deliberative Process

- **Ag BMP Comment Letter** – On May 11, 2017, I sent a comment letter to ADEQ saying that certain aspects of the submitted revisions for the general permit and the Ag BMP Program appeared to relax the federal SIP, and ADEQ had not done a 110(l) analysis to support the submittal. The new rules incorporated animal operations into the general permit and regulated ag activities. The federally approved AG BMP program is focused on crop activities. We also suggested improvements to the rule. These rules are supposed to support the Pinal County PM-10 Plan, which, as we have discussed previously, is not effectively reducing emissions during the attainment years. ADEQ needs to submit a 110(l) analysis to support these rules before we can act on them.

We have put the AG BMP Program on the agenda for our August multi-agency meeting because

only one person remains at ADEQ who has any experience with the Ag BMP Program. Nancy has put together a very nice summary sheet that shows the various pieces of the AG BMP Program, and the regulatory status. ADEQ needs to see where they are before they can decide what they want to do.

## Ex. 5 - Deliberative Process

• ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **Title VI Complaint** – We received the agreement between ADEQ and Maricopa County on the handling of portable sources, so we were able to send a resolution letter to Maricopa County on June 7, 2017, closing out the three Maricopa County complaints. ADEQ is asking where their letter is.

## Ex. 5 - Deliberative Process

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*The “Civil Rights”/ “Select Language” drop-down on your home web page. What MCAQD has done on its web page is a good example of prominence and accessibility for both LEP and non-LEP individuals in order*

*for them to get to the relevant civil rights information, including to the Notice of Nondiscrimination. <http://www.maricopa.gov/1244/Air-Quality> Can AZ DEQ do something similar on its home web page, i.e., move it*

*into a more prominent location on your page in English/Spanish?*

• ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **The “Submit a Civil Rights Complaint Form” download button on <http://azdeq.gov/CivilRights> produces a complaint form only in English, even if the language for the web page is changed to Spanish.**

• ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **The following document is on your civil rights web page: [http://static.azdeq.gov/legal/nondiscrimination\\_policy.pdf](http://static.azdeq.gov/legal/nondiscrimination_policy.pdf) How does this document relate to your Title VI compliance program? It seems to be related to internal EEO.**

*The internal guidance for “Value Stream Managers” that you shared seems comprehensive. A*

# **Ex. 5 - Deliberative Process**